

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**LUV N' CARE, LTD. and
ADMAR INTERNATIONAL, INC.**

Plaintiffs,

v.

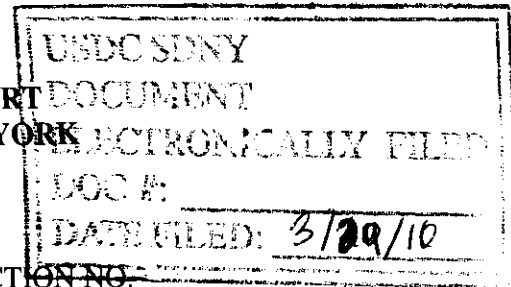
**WALGREEN CO. and
KMART CORP.**

Defendants.

CIVIL ACTION NO.

08 CIV 4457 (DC/HP)

JURY TRIAL DEMANDED



**PLAINTIFFS' MOTION TO FILE PORTIONS OF REPLY IN SUPPORT OF
SEPARATE STATEMENT OF UNCONTROVERTED FACT AND RESPONSE TO
STATEMENT OF ADDITIONAL FACT**

Plaintiffs Luv N' Care, Ltd. and Admar International, Inc. ("Plaintiffs"), by and through undersigned counsel and pursuant to Section 6 of the S.D.N.Y. ECF Rules and Instructions move to file portions of its Reply in Support of Separate Statement of Uncontroverted Fact and Response to Statement of Additional Fact:

1. Plaintiffs have prepared their Reply in Support of Separate Statement of Uncontroverted Fact and Response to Statement of Additional Fact ("Reply"), however, Plaintiffs' Reply contains confidential information, from both Plaintiffs which should not want to become part of the public record.

2. Specifically, pages 13, 16, 115-119, 121-127, and 204-211 of Plaintiffs' Reply contains confidential sales data, and other related sensitive commercial information which competitors could access, to Plaintiffs' detriment, as a public records should Plaintiffs' request to file this information under seal is denied.

3. Accordingly, Plaintiffs' respectfully request that this Court allow them to file the above referenced pages of the Reply under seal, that these pages and exhibits be sealed until the conclusion of trial on this matter, and thereafter the documents be destroyed.

4. Plaintiffs have filed a redacted copy of Plaintiffs' Motion via ECF and the above referenced portions of Plaintiffs' Reply are being filed concurrently herewith in an envelope marked "SEALED DOCUMENT."

WHEREFORE, Plaintiffs respectfully request that this Court GRANT their Motion to File Plaintiffs' Motion for Partial Summary Judgment Under Seal. A proposed order is attached hereto as Exhibit "A."

Respectfully submitted,

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And

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Attorneys for Plaintiffs

GRANTED,
nunc pro tunc,
as the papers
have been
filed already.
SO ORDERED,



WJS 3/29/10

¹ Admitted Pro Hac Vice on May 14, 2009 (D.E. # 29).

CERTIFICATE OF SERVICE

I HEREBY certify that on this 16th day of July 2009, I electronically filed the foregoing document with the Clerk of the Court using its CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached service list in the manner specified either via transmission of Notices of Electronic Filing generated by this Court's CM/ECF system or in some other authorized manner for those counsel or parties who are not authorized to electronically receive Notices of Electronic Filing.

/s James A. Gale

JAMES A. GALE

SERVICE LIST

Luv N' Care, Ltd., et al. v. Walgreen Co., et al.

Case No. 08-civ-4457 (DC)

United States District Court, Southern District of New York

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